



# OVERSIGHT INSPECTION PROCEDURES MANUAL

**WORKING DOCUMENT**

July 31, 2002

# OVERSIGHT INSPECTION PROCEDURES MANUAL

## About this Manual

The procedures in this manual are effective upon completion of the associated training in July, 2002. It is expected that some changes will be made in the future based on comments received from field staff. For that reason this manual is designated as a **Working Document**. Please forward any comments or suggested changes to Jim Walsh by phone at (805) 654-4894, by fax at (805) 654-4890, or by e-mail at <jwalsh@cdpr.ca.gov>.

## BACKGROUND

The four-year compliance assessment project (1997-2001) provided valuable information about industry compliance with pesticide laws and regulations. In completing this effort the Compliance Assessment Group (CWG) developed standardized procedures to assure that individual bias was kept to a minimum. This was crucial to assure validity of the data and accurate conclusions concerning industry compliance with laws and regulations. As a continuation of this assessment, Department of Pesticide Regulation (DPR) management requested that the CWG develop an alternative method of assessing compliance that also addressed follow up activities, enforcement actions, and county performance. It was determined that the best way to accomplish these objectives was to utilize the existing overview program.

In order to standardize the overview program, the CWG has developed this procedural manual for oversight inspections (formerly called overviews). Our objective is to provide a single procedure for performing oversight inspections. The CWG developed this manual with the assistance of headquarters and field staff. As overview inspections were in the past, oversight inspections will be an important part of the county agricultural commissioner (CAC) program evaluation. Oversight inspections will be performed in a consistent manner throughout the state. Uniform procedures and consistent documentation will provide reliable compliance data and increase the usefulness of the information derived from these inspections.

Oversight inspections are the primary method of measuring the effectiveness of the CAC's pesticide inspection program. Oversight inspections will also be used to evaluate the level of industry compliance attained by the CAC's pesticide regulatory program. Compliance with pesticide laws and regulations is the most important measure of effectiveness of the county program. It is the primary goal of the program. If you have any questions regarding these procedures, forward them to your CWG regional representative. The CWG will resolve those issues and distribute that information to regional staff.

## PURPOSE

The inspection forms completed by the Senior Pesticide Use Specialist (senior) will be used to compile compliance information on industry within a county and throughout the state. They will form a subset of data in the County Pesticide Compliance and Assessment database. This data

will be used to assess industry compliance with pesticide laws and regulations and to compare with data generated by CAC inspections. It is critical that the senior be knowledgeable of pesticide laws, regulations, policies and inspection procedures.

When performing an oversight inspection, the senior has two primary tasks:

1. To inspect the industry operation according to DPR's Oversight Inspection Procedures Manual and determine compliance with all relevant pesticide laws and regulations. This inspection should be conducted independently (although performed simultaneously) from the county inspection. The senior's inspection should thoroughly describe each violation as well as any other pertinent information regarding the operation.
2. To evaluate the CAC inspector's performance. This evaluation includes preparation, targeting strategies, and follow up procedures as well as general competence exhibited during the inspection itself. It may also include an evaluation of the resources, direction, and training received by the inspector. Use the County Oversight Summary (COS) to document your evaluation of the county inspection and the CAC inspection program. Complete a COS form for each oversight inspection performed.

## **GENERAL POLICIES**

### **Preparation**

The senior should have the Enforcement Manual, the Oversight Inspection Procedures Manual, inspection forms including supplemental forms and Violation Notice forms available on site when performing oversight inspections. The senior should also have this manual available when completing oversight inspections. The new oversight inspection procedure should be discussed with CAC staff prior to performing oversight inspections and a copy of this manual should be provided to CAC staff if requested.

### **Side by side inspections**

An oversight inspection is an independent record of observations that documents the senior's evaluation of compliance. The county inspector will take the lead in conducting the inspection. The senior will follow the inspector, note the observations that the inspector is making, and listen to the questions the inspector asks the handlers/fieldworkers/supervisors and their responses. The senior will not ask questions or offer information or direction to either the inspector or the industry personnel until the CAC inspection has been completed. The senior will document compliance on the inspection form to the extent possible while accompanying the county inspector. If necessary to complete the inspection, the senior will make additional observations and/or conduct additional interviews after the CAC inspection has been completed, signed by the inspector, and provided to the senior.

### **Training aspects of oversight inspections**

Training of county personnel is not a purpose of oversight inspections. The oversight process may provide a training experience for the county inspector, but the lessons learned should come from observing how you complete your inspection and the discrepancies you bring to light after the county inspection has been completed. You must be careful not to bias the county inspection

by providing advice or taking the lead. If during the inspection the county inspector asks you questions, make a note of them for later clarification. Let the inspector make their own decision at that time and wait until the inspection is completed and signed by the inspector before responding to questions.

### **Interaction with Industry**

The county inspector should take the lead in questioning the persons being inspected. If asked why you are there, you should respond that you are evaluating the county inspection program and observing industry compliance with pesticide laws and regulations. You should provide your business card if requested. Limit your interaction with the persons being inspected as much as practical until the county inspector has completed the inspection. At that time you may need to ask or answer questions and make observations not covered by the county inspector, but be certain that the county inspector does not attempt to amend his inspection to imitate yours. If you receive comments or suggestions from industry regarding an aspect of pesticide regulation, document it and forward the information appropriately. If you observe unique methods of compliance that could be used in outreach programs, document your observations and forward them to your regional CWG member.

### **Response to Immediate Hazard**

If you observe a situation that creates an immediate hazard to workers, the public or the environment you should:

- Encourage the county inspector to take appropriate action to stop the operation creating the hazard.
- If the county inspector does not stop the operation, issue a Cease and Desist using a Violation Notice form and immediately contact the CAC or Deputy CAC.
- Document the incident and inform your supervisor immediately.

### **Inspection Review**

After the county inspector has completed, signed and provided you with the county inspection and you have completed and signed your inspection, you and the inspector will review and compare the inspection reports away from the industry personnel. If there are no discrepancies between the two inspections, have the inspector sign your report in the “Inspection Acknowledged By” space. The inspector will then provide a copy of the county inspection to the inspected person according to standard procedures. If discrepancies are found, follow the procedures outlined in Performing the Oversight Inspection (see page 6 and the senior review flow chart in the appendix). The county inspection may not be changed once you have reviewed it.

### **County Oversight Summary (PR-ENF-078) and Issue Review (PR-ENF-079)**

In addition to the county inspection form and your inspection form you will document your evaluation of the county inspection on the COS form. The COS form and instructions can be found in the appendix of this manual. Any discrepancies between the two inspection forms or any issues recorded on the COS form should be referred to the liaison senior for the county. The liaison senior for the subject county will document the discrepancies and issues on the Issue Review (see Appendix) and use the Issue Review to resolve the identified issues with the CAC.

## **PERFORMING THE OVERSIGHT INSPECTION**

A primary purpose of an oversight inspection is to evaluate how the CAC inspector is conducting inspections. Are they correctly enforcing pesticide laws and regulations? Is the inspector knowledgeable of inspection criteria? Are they conducting inspections in accordance with policies and procedures? Keeping this in mind, the senior conducting the oversight inspection will only observe and document industry compliance and the inspector's performance until the county inspection has been completed. Follow the procedures outlined below for when and what to communicate and document.

### **Prior to the Inspection**

Explain to the inspector that you are there to evaluate the county inspection program. Explain that you will be: 1) asking various questions regarding how they prepare for the inspection, 2) observing how they conduct the inspection and 3) asking questions regarding what they do with the inspection after they are through (the COS form). Explain that you will complete an inspection independently, and that after the inspection report is completed and signed by the inspector but before the inspected person's signature is obtained, you need to review the county inspection. Explain that the county inspection cannot be changed during or after the review. Discuss the procedure that will be used for issuing a "Stop Work Order" and/or "Cease and Desist Order" if an immediate hazard is encountered.

### **Initial Observations**

Compliance with personal protective equipment (PPE) and other requirements will be based on conditions observed when you first arrive at the site. If possible, the inspector should make observations from a distance or before the handlers or workers see you. If this is not possible, the inspector must accurately survey the worksite upon arrival. Observe whether the inspector notes the specific type of PPE the pesticide handlers are wearing, condition of the application equipment, the activities the handlers are performing, the application method, climatic conditions, surrounding crops and sensitive sites. Does the inspector accurately document the specific PPE the handlers are wearing?

### **Opening Interview**

The inspector should establish effective communication with the person being inspected. Observe whether the inspector introduces himself explaining they are with the CAC department and, if appropriate, presents identification. Does the inspector explain that they are going to conduct an inspection? Does the inspector talk to any other persons involved in the handler activity at the work site? If so, does the inspector include them as part of the inspection? If the inspector doesn't introduce the senior, the senior should introduce himself and provide the inspected person with a business card. Explain that you are evaluating the county inspection program.

### **Observations**

When observing the inspection, you want to determine if the inspector is following policies and procedures and whether they are knowledgeable of the individual inspection criteria. Always refer to DPR's Oversight Inspection Procedures Manual and the Pesticide Enforcement Manual in determining the inspector's performance. Observe whether the inspector refers to the

inspection procedures or pesticide use enforcement manuals for clarification when necessary. Does the inspector use the correct inspection form? Is the inspector thorough (asking questions for clarification and determining compliance)? Does the inspector review all pesticide labels including supplemental labels, Section 18s and Special Local Need registrations? Does the inspector review the pesticide label(s) for:

- Precautionary Statements, specifically for PPE to be worn,
- Environmental Hazards to compare to the conditions at the use site,
- Agricultural Use Requirements for Restricted Entry Interval(s) requirements and
- Directions for Use, specifically the crops, rates, dilutions and application methods?

### **Violation Documentation**

All violations should be documented correctly on the inspection form. When violations have occurred, observe whether the inspector marks a NO on the inspection report. The nature and circumstances of each violation should be clearly recorded in the “Remarks” section of the inspection report. Violations corrected during the inspection should still be documented as noncompliances with an explanation under “Remarks” that the item(s) were corrected at the time of inspection. Observe if the inspector discusses each noncompliance with the person inspected and explain why each item is required. Does the inspector provide them with information that will allow them to correct the violations? Does the inspector stop the operation when there is an immediate hazard? Does the inspector discuss that a follow up inspection must be done to confirm compliance with noncompliances not corrected at the time of inspection?

### **Inspection Form Complete and Signed**

The inspector must use the correct inspection form and complete all boxes on the inspection report. Inspections must comply with all Report 5 “complete inspection requirements” (i.e., Application and/or Mix/Load inspections require that an equipment inspection be completed, Field Worker Safety inspections require that the workers be in a “treated field”). Check to see that the specific type of PPE worn by the handler(s) and the specific type of spray equipment is noted on the inspection report. All heading/information boxes (when the information is available), requirements, and remarks should be completed prior to the inspector signing the inspection report.

### **Senior Review of County Inspection**

When you have completed your inspection, discretely compare forms with the county inspector. At the time the county inspector provides you with the county inspection for review, you may need to complete your inspection (i.e., the inspector did not make necessary observations). This may require asking additional questions and making additional observations (reading labels, checking for an application’s specific record’s location on a Pesticide Safety Information Series A-9, etc.). When the county inspector has completed the inspection and signed the inspection form, you will review it and document any discrepancies. Discuss any errors or omissions with the inspector and resolve any questions regarding how the inspection was documented. If your inspection and the county inspection do not agree on the compliance status of any inspection criteria discuss these with the inspector and explain your position. Attempt to resolve any discrepancies. Use the Oversight Inspection Procedures Manual and Enforcement Manual to support your determination. If the inspector does not agree with your determinations after you have briefly explained your position, do not argue the point.

At this point, there are four scenarios that can occur;

**1. If there are no discrepancies:**

- The inspector provides the county inspection form to the inspected person. Conclude the oversight inspection by having the inspector sign your inspection form in the “Inspection Acknowledged by” space.
- You will sign in the “Inspected by” space and obtain a copy of the county inspection signed by the inspected person.

**2. When the inspector fails to catch a violation but agrees with the senior when an error is identified, the policy is as follows:**

- Provide the inspector with your inspection form to give to the inspected person to sign. The county inspector should sign next to your name on your inspection. In this case, the inspected person receives a copy of the DPR inspection with both the senior’s and the county inspector’s name in the “Inspected by” space.
- Sign the county inspection form in the “Inspection Acknowledged by” space and document what happened on an Issue Review explaining what noncompliance was overlooked in the county inspection.
- Obtain a copy of the county inspection and attach it to your inspection form.
- Have the county inspector use your inspection form for their follow-up inspection.

**3. The county inspector does not agree with noncompliance(s) identified in your inspection form:**

- If discrepancies cannot be resolved when in the field, do not argue with the inspector. Complete the inspection as described in 1 above.
- Document the discrepancies using the Issue Review.
- After the inspection, the liaison senior will conduct a follow-up visit with the pesticide deputy or CAC to resolve the issue(s). Issue Review follow-up should be conducted within a 45-day period.

**4. The senior is wrong.** After the inspection, when you are discussing the discrepancies between the inspector’s inspection form and your form, the inspector challenges your interpretation and the inspector is right. What do you do? Correct your mistake and document in the “Remarks” section of your inspection. Thank the inspector and move on. The county inspector is being evaluated, not you.

- Conclude the oversight inspection by having the county inspector sign your inspection form in the “Inspection Acknowledged by” space. You sign the “Inspected by” space.
- Obtain a copy of the county inspection signed by the inspected person.

**Responsible Person Contacted**

When an inspection documents any noncompliance, the inspector must follow-up by contacting the responsible person to explain noncompliances found and provide him with a copy of the inspection. The Department recommends that the inspector also provide the responsible person with the outreach document, “Pesticide Safety It’s The Law” (see attached). This is the time the inspector should discuss the specific problems found and how to correct the noncompliances. It

also allows the inspector an opportunity to explain that a follow-up inspection to confirm compliance will be performed and to perform a headquarters inspection when appropriate.

### **County Oversight Summary**

Complete the COS. The COS and instructions are in the appendix. The inspecting senior will complete the pre-inspection and inspection portions of this form. The liaison senior will complete the post inspection portion of the form.

### **Issue Review**

The Issue Review (see attached) will be utilized primarily by the liaison senior. It will be used to document any issue that requires mediation or negotiation between the CAC and the Department. When the liaison senior receives oversight inspections from the inspecting seniors, they will be reviewed by the liaison for follow-up requirements. Simple inspection follow-up activities performed by the county (i.e., follow-up inspections and enforcement actions that are appropriate) do not require documentation on this form. Issues that need to be resolved with the CAC should be documented succinctly on this form. All Issue Reviews will be forwarded to the evaluation senior, the regional supervisor, and the regional CWG member. Similar issues that arise from several inspections can be addressed on one Issue Review; however, different issues that arise from one inspection will be addressed on separate Issue Reviews.

The Issue Review will be used to document:

- Discrepancies between senior and county inspections.
- Trends or patterns of high noncompliance with pesticide laws or regulations.
- Difficulties or delays in obtaining follow-up documentation or information.
- Problems identified in the County Oversight Summary.
- Any other issues or problems that arise from the Oversight Inspection Program (i.e., difficulty in scheduling oversight inspections, uncooperative staff, industry complaints, etc.).

## **OVERSIGHT INSPECTION DOCUMENTATION AND FOLLOW-UP**

### **Basic oversight inspection document package**

The oversight inspection package consists of the following documents:

1. EPA Activity Coversheet.
2. County inspection form (and supplementary form if used).
3. DPR inspection form (and supplementary form if used).
4. County Oversight Summary.
5. All follow-up inspections and enforcement documentation.
6. Issue Review(s) when appropriate.

When the oversight inspection is a Worker Protection Standard (WPS) Tier I inspection, you will also attach the county and DPR Employer Safety Headquarter inspections and the WPS Inspection Report Supplement form.

### **Oversight Inspection Follow-up Procedures**

Follow-up activities and documentation must be completed within 60 days of the initial inspection. If the county has not performed the appropriate follow-up activities, document the



circumstances and CAC response on an Issue Review and attach to the oversight inspection package.

The goal of oversight inspections is to insure that CAC pesticide enforcement staff are conducting inspections correctly and are properly enforcing pesticide laws and regulations. The oversight inspection procedure will also assist in identifying the individual CAC inspector's knowledge of inspection criteria and how well they perform inspections in accordance with policies and procedures. The information collected through oversight inspections will be analyzed by the CWG, liaison and evaluation seniors, and DPR management staff with the primary objective of correcting CAC staff performance problems found during oversight inspections. The following lists the responsibilities of respective DPR personnel:

1. **Liaison Seniors** — The liaison senior assigned to the subject county will:
  - Document issues identified on oversight inspections and the COS and perform follow-up discussions with CAC management staff to review oversight inspection findings and resolve inspection issues. Issues and resolutions will be documented on the Issue Review. Issues that are not resolved will be forwarded to the evaluation senior, the regional supervisor, and the regional CWG member.
  - Evaluate inspection training needs in the county.
  - Assist CAC staff in developing plans to improve low compliance areas or other inspection problems identified.
  - Use oversight information in developing county negotiated work plans.
  - Keep the evaluator informed of all oversight findings, liaison/CAC discussions, plans developed, and corrective actions implemented by the CAC.
2. **CWG** — The CWG will:
  - Provide training and support to seniors performing oversight inspections, answer questions, and modify procedures as necessary.
  - Use oversight inspection data to determine compliance levels in counties and provide these findings to the subject county, DPR management staff, regional supervisors, liaisons, and evaluation seniors.
  - Assist liaison seniors in developing plans to improve low compliance areas or other inspection problems identified.
3. **Evaluation Seniors** — The evaluation senior assigned to each county will:
  - Review oversight inspections, Issue Reviews, and summary report findings.
  - Meet with the liaison to discuss what follow-up discussions have taken place with the CAC.
  - Determine what plans have been developed and what corrective actions have been implemented by the CAC.
  - Include the oversight inspection findings, documented issues/resolutions, and corrective actions taken in the effectiveness evaluation letters. Also include any unresolved or uncorrected issues in the effectiveness evaluation letters.

4. **Regional Supervisors** — The regional supervisors will:
  - Meet regularly with the liaison and evaluation seniors assigned to the subject county to discuss oversight findings and follow-up discussions the liaison senior has had with the CAC and what plans the CAC has implemented to improve oversight problems and low compliance areas.
  - When a CAC is not following through on compliance improvement recommendations, the regional supervisor and liaison senior will meet with the CAC to address unresolved issues.
  - The regional supervisors will keep the CWG and DPR management staff informed of oversight findings, liaison/CAC discussions, plans developed, corrective actions implemented by the CAC, and resolved and unresolved issues.
5. **DPR Management Staff** — Management staff will:
  - Examine Issue Review findings and provide support as necessary to regional supervisors to implement CAC corrective actions and resolve identified issues. Issues that are unresolved by the regional offices will be addressed with the respective CACs by DPR management.

## **OVERSIGHT PACKAGE ROUTING PROCEDURES**

The following routing procedure is to be followed for the completed oversight package:

1. **Inspecting Senior's Responsibilities**
  - The senior performing the oversight inspection will complete an Environmental Protection Agency (U.S. EPA) Activity Coversheet (PR-ENF-195E) and attach it to the completed oversight package. This oversight package will be submitted to the liaison senior.
2. **Liaison Senior Responsibilities**
  - The liaison will review the inspection oversight package received from the inspecting senior and determine if follow-up is required.
  - If no follow-up is required, the liaison will provide the original package to the regional EPA coordinator and a copy to the regional CWG member.
  - If the follow-up requires an Issue Review, complete the follow-up within 45 days. Do not turn in the package until the follow-up is completed. Documentation of unresolved issues completes the liaison's follow-up.
  - If a follow-up inspection or enforcement action is required, do not turn in the package until the follow-up is completed. If the CAC does not complete the follow-up within 60 days, document the circumstances on an Issue Review and submit it with the file.
  - When follow-ups are completed, the liaison will provide the original package to the regional EPA coordinator and a copy to the regional CWG member.

**3. Regional EPA Coordinator Responsibilities**

- The regional EPA Coordinator will review the oversight inspection packages.
- Complete the EPA Activity Coversheet according to standard procedures.
- Obtain the regional supervisor's review and approval according to standard procedures.

**4. Regional Supervisor Responsibilities**

- Review and approve the oversight inspection package according to standard procedures.
- Address any unresolved issues identified.
- Submit the package to the headquarters EPA Coordinator according to established procedures.

**5. Regional CWG Representative's Responsibilities**

- Will receive oversight inspection packages from the liaison and forward to the CWG leader.
- Will track oversight packages and provide the CWG and regional supervisors with monthly reports.
- Will identify significant issues to the CWG.

**6. HQ EPA Coordinator Responsibilities**

- Will process and route oversight packages according to current DPR/EPA cooperative agreement procedures.
- Will provide copies of the county and DPR inspections to Information Technology Branch data entry personnel for the Compliance database.
- Will send quarterly status report to the CWG leader.

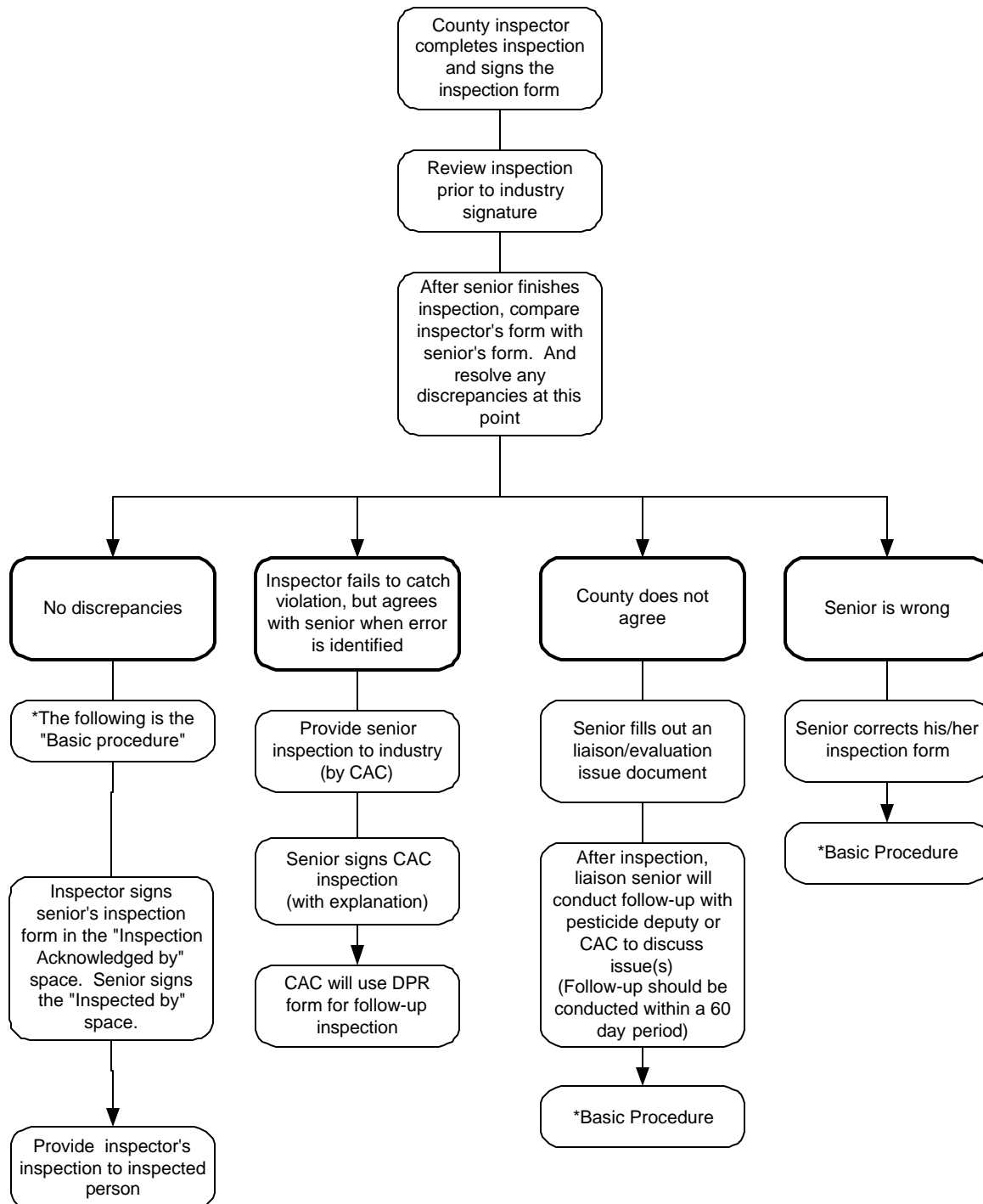
**APPENDIX**

1. Senior Review of County Inspection Flow Chart
2. Routing Flow Charts
  - No Follow-up Required
  - Follow-up Required
3. County Oversight Summary
4. County Oversight Summary Instructions
5. Issue Review

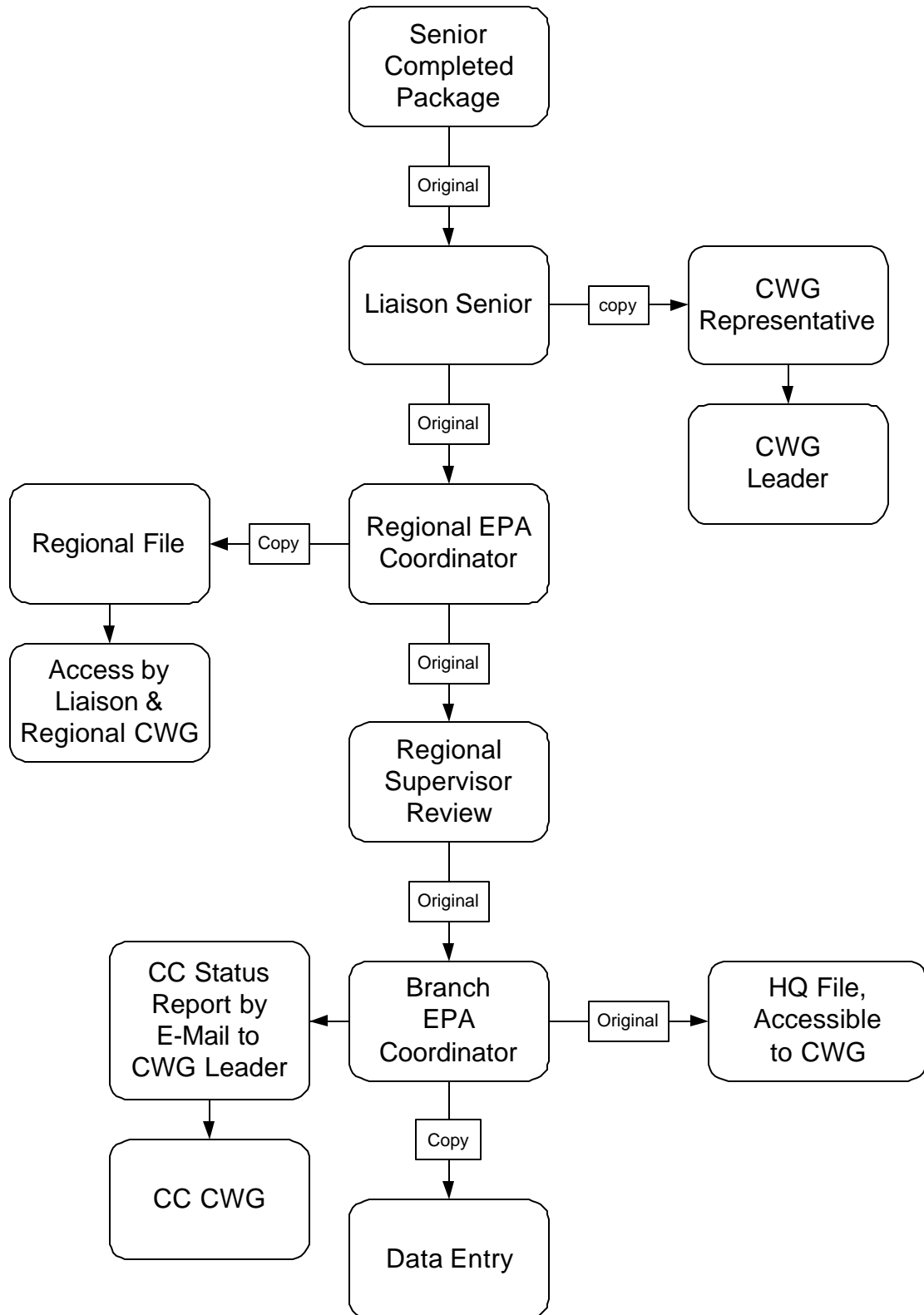
# SENIOR REVIEW OF COUNTY INSPECTION

## Four Scenarios

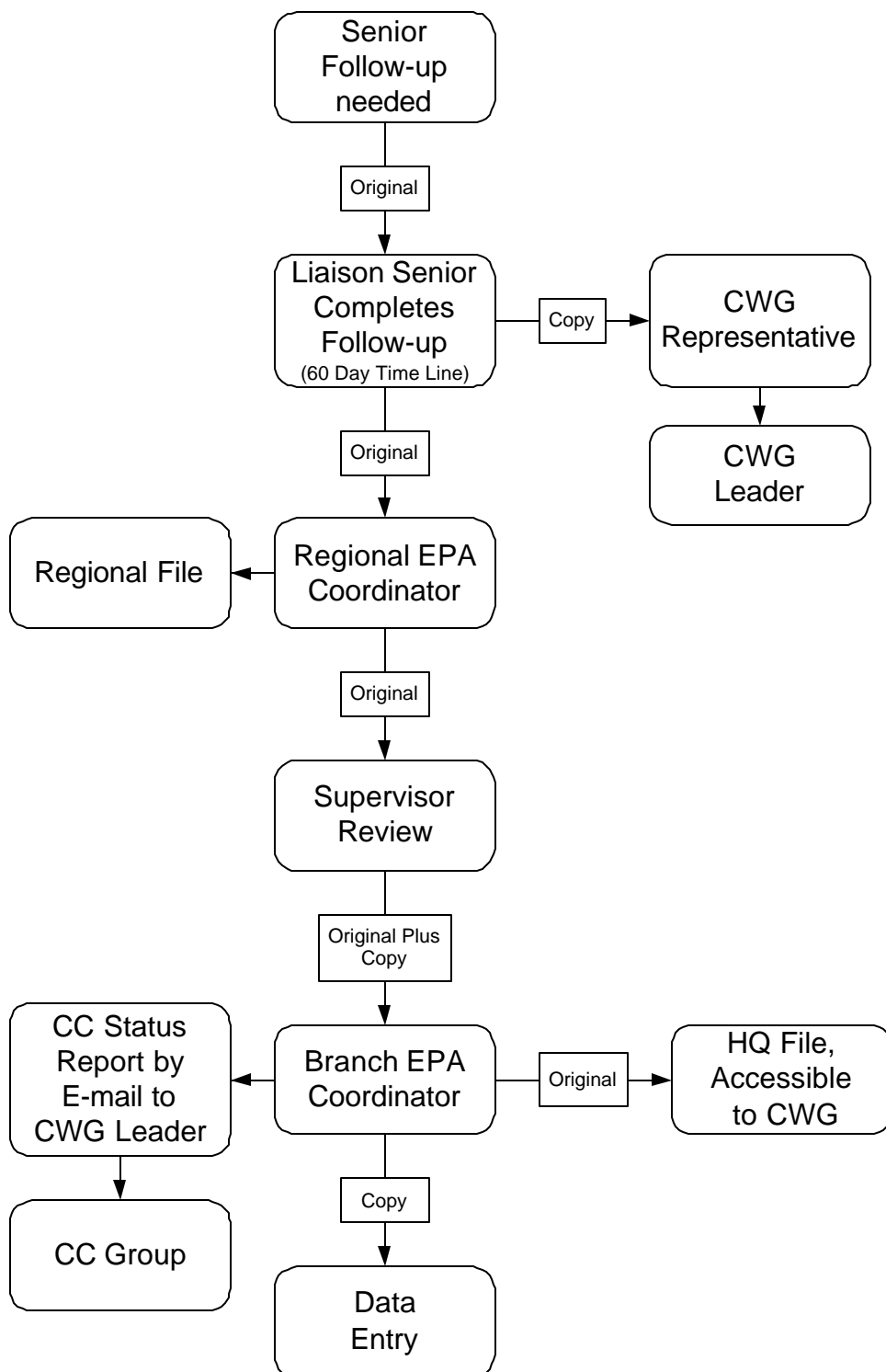
### Flow Chart



# OVERSIGHT PACKAGE ROUTING PROCEDURES (NO FOLLOW-UP REQUIRED)



## OVERSIGHT PACKAGE ROUTING PROCEDURES (FOLLOW-UP REQUIRED)



INSPECTING SENIOR	REGION	OVERVIEW NUMBER
COUNTY	COUNTY INSPECTOR	INSPECTION TYPE

Mark each criteria as Yes (Y), No (N) or Not Applicable (N/A)

PREINSPECTION						
1.	PUE CERTIFICATION			5.	INSPECTION PROCEDURES MANUAL IN VEHICLE	
2.	ENF LETTER ACCESS			6.	TARGETING STRATEGY USED (DESCRIBE IN REMARKS)	
3.	LAWS & REGULATIONS IN VEHICLE			7.	NOI REVIEW	
4.	INSPECTION FORMS IN VEHICLE			8.	OTHER	

INSPECTION						
1.	OPENING INTERVIEW			7.	INSPECTION FORM COMPLETED	
2.	INITIAL OBSERVATIONS DOCUMENTED			8.	FOLLOW-UP PROCEDURES COMPLETED	
3.	LABELS REVIEWED			9.	VIOLATIONS EXPLAINED	
4.	VIOLATIONS DOCUMENTED			10.	EXIT INTERVIEW	
5.	SUPERVISOR/OWNER INTERVIEWED			11.	INSPECTOR KNOWLEDGEABLE OF LAWS/REGS/ POLICIES	
6.	HANDLERS/WORKERS INTERVIEWED			12.	LIAISON SENIOR/INSPECTOR DISCUSSION	

**FOLLOW-UP REQUIRED** ☐

LIAISON SENIOR: \_\_\_\_\_

POSTINSPECTION						
1.	HISTORY REVIEWED			5.	FOLLOW-UP INSPECTION PERFORMED	
2.	DECISION REPORT REQUIRED			6.	ENF. ACTION REQUIRED (DESCRIBE IN REMARKS)	
3.	DECISION REPORT FILED			7.	ENF. ACTION TAKEN (DESCRIBE IN REMARKS)	
4.	RESPONSIBLE PARTY NOTIFIED			8.	SENIOR/CAC DISCUSSION	

FURTHER DPR ACTION REQUIRED:

REMARKS: \_\_\_\_\_

[illegible]

# **COUNTY OVERSIGHT SUMMARY INSTRUCTIONS**

## **PURPOSE**

The County Oversight Summary and procedures are intended to provide the Department with information on CAC staff performance relative to conducting pesticide inspections. It also provides general information on CAC inspection programs.

The attached County Oversight Summary should be used when conducting oversight inspections. Copies of the summary should be attached to your oversight inspection package and be filed and forwarded with your oversight inspections according to standard procedures. Information derived from the Summaries should be used for CAC evaluations, for identifying CAC training needs and for evaluating inspection forms and inspection procedures. Comments or problems identified with the County Oversight Summary or procedures should be forwarded to your regional CWG member.

## **PRE-INSPECTION**

The inspecting senior should complete the criteria items on the pre-inspection and the inspection portions of the summary.

### **1. Pesticide Use Enforcement (PUE) Certification**

Ask or if you know, record this information on the summary. Only an inspector, who either holds a Pesticide Regulation License or is qualified to take the license exam and is working under the supervision of an inspector that holds the license, can perform inspections.

### **2. Enforcement (ENF) Letter Access**

Ask the inspector if they receive copies of or have access to enforcement letters. Review the ENF letter file. Is it current?

### **3. Laws and Regulations in Vehicle**

Does the inspector have the Enforcement Manual available for reference when performing inspections? Is the manual current?

### **4. Inspection Forms in Vehicle**

Does the inspector have each kind of inspection form available? Are all forms that are likely to be needed in the vehicle? Inspectors should always have an adequate supply of the supplemental form. It can be essential when several violations are found during one inspection.

### **5. Oversight Inspection Procedures Manual in Vehicle**

Does the inspector carry the Oversight Inspection Procedures Manual? Does the inspector have access to the Manual of Procedural Guidance? Have they received the respective training modules?



## **6. Targeting Strategy Used**

How does the inspector determine who will be inspected? Do they review information on growers and businesses? Are they knowledgeable regarding crop and use patterns? Field worker activity? Does the inspector follow a predetermined route when on surveillance? Does it appear he is taking you to specific operators he knows are most likely in compliance? Does he drive by applications that were not on a Notice of Intent (NOI)? Discuss the inspector's strategy for finding pesticide operations. Is the strategy representative of operations being conducted in the county? Does the county frequently inspect some operations while ignoring others? Do you observe any patterns of "padding" inspections, such as inspecting several crews from one operation and documenting it as more than one inspection?

## **7. NOI Review**

Does the biologist check current NOIs before leaving the office? Someone other than the inspector often performs the NOI review. Ask the inspector how permits are checked to assure sites and pesticides are listed and maps are accurate?

## **8. Other**

Use this space for any criterion you determine is relevant and that is not addressed above.

# **INSPECTION**

## **1. Opening Interview**

The inspector should make it clear that a pesticide enforcement inspection is being conducted. Did the inspector identify himself and establish effective communication with the person being inspected? Are there any other persons or crews involved in the activity that should be included in the inspection?

## **2. Initial Observations Documented**

Does the inspector accurately survey the worksite upon arrival? Compliance with PPE and other requirements should be based on conditions observed when you arrive at the site. If possible, make observations from a distance or before the handlers or workers see you.

## **3. Labels Reviewed**

Does the inspector read the labels on site and correctly apply PPE, site, rate, posting and other requirements and prohibitions to the inspected activity?

## **4. Violations Documented**

Does the inspector document all violations on the inspection form? Violations corrected during the inspection should be documented. The nature and circumstances of a violation should be clearly recorded in the "Remarks" section.

## **5. Supervisor/Owner Interviewed**

Does the inspector interview the person in charge of the pesticide use or field work activity? Are the appropriate questions asked?

- Training program
- PPE availability, use, maintenance
- Notification procedures
- Rates, equipment

## **6. Handlers/Workers Interviewed**

Does the inspector question handlers/workers appropriately?

- Training and knowledge of pesticide safety
- Knowledge of required posting and notification requirements
- Employer retaliation
- Knowledge of medical information, past exposure incidents
- PPE maintenance

## **7. Inspection Form Completed**

Is all required information included in the fill in sections of the inspection form? Is the form complete? All information should be included before the inspection form is signed. Are violations fully described?

## **8. Follow-up Procedures Completed**

If follow-up is required, is it documented on the inspection form? Is the “Violations must be corrected by” space filled out appropriately? Most violations should be corrected before the activity is allowed to proceed or before the next activity is allowed to take place. Is a copy of the inspection delivered to the responsible person? Are appropriate outreach materials delivered to the responsible person?

## **9. Violations Explained**

Does the inspector explain violations to the handlers/workers and persons responsible for the activity? Do they understand the nature and circumstances of the violation? Does the inspector provide them with information that will allow them to correct the violations?

## **10. Exit Interview**

Does the inspector inform the people being inspected when the inspection is finished? Does the inspector have the inspected person sign the inspection form? Is a copy of the inspection report provided to the inspected person?

## **11. Inspector Knowledgeable of Laws/Regulations/Policies**

The inspector should have a good working knowledge of the laws and regulations that are being evaluated during the inspection. If the inspector is not sure of the requirements of a particular law or regulation that is being evaluated, is the inspector able to use the Enforcement Manual, the Oversight Inspection Procedures Manual, or other documents to clarify the requirements efficiently?

## **12. Senior/Inspector Discussion**

You should always review the county inspection and discuss any discrepancies between your inspection form and the county's inspection form. This review must be performed after the county inspector has completed the inspection and signed the inspection form and before the inspected person signs the inspection form. The Oversight Inspection Procedures Manual describes how discrepancies should be handled (see page 6 of the Oversight Inspection Procedures Manual and the senior review flow chart in the appendix). Does the inspector comply with this procedure?

## **POST INSPECTION**

The liaison senior should complete the criteria items on the post inspection portion of the summary.

### **1. History Reviewed**

When a noncompliance is noted on an inspection, the inspector should go to the office and review the grower/business file to see what the violation history is on that grower/business. The history of the grower/business determines the need for a decision report and is a factor in determining the appropriate enforcement action the county should take.

### **2. Decision Report Required**

Does the inspector correctly determine if a decision report is required? Is the content of the decision report appropriate?

### **3. Decision Report Filed**

Is the decision report appropriately filed? Decision reports should be available as part of the history review.

### **4. Responsible Person Notified**

The responsible person should be notified, when a noncompliance/violation is found during an inspection. If the responsible person or management representative is not available at the site when an inspection is conducted, the inspection must be delivered to them. The method of delivery may include mail, fax or hand delivery. The nature and circumstance of the violation and required remedial action should be clearly explained to the responsible party. The Department is recommending CACs to provide the outreach flyer, "Pesticide Safety: It's the Law," to the responsible person when violations are found during an inspection. Note in remarks if the inspector provided the flyer or if the county has another outreach tool that targets and provides violators with information on their legal liabilities.

### **5. Follow-up Inspection Performed**

After an inspection is completed, a noncompliance is noted, and the "Follow-up" box is checked during an inspection. Did the inspector conduct the "Follow-up" inspection to see if all violations have been corrected?

**6. Enforcement Action Required**

If a violation was documented on the inspection, do the Enforcement Guidelines indicate that an enforcement action should be taken?

**7. Enforcement Action Taken**

Was appropriate enforcement action taken against violations found during the inspection?

**8. Liaison Senior/CAC Discussion**

When there are discrepancies between the senior's inspection and the county's inspection, the senior should provide a copy of both inspections to the county's liaison senior. The county liaison senior should always discuss these problems with the CAC or deputy to inform him/her of the issues involved. At this time, the senior can discuss with the county any additional overviews or training needs that might help the county. This discussion is documented on the Issue Review. The senior should try to resolve any discrepancies found during the oversight inspection. The regional supervisor and/or DPR management will address unresolved issues. Did this discussion occur? Were issues resolved and documented?

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

INSPECTING SENIOR	REGION	TRACKING NUMBER
LIAISON SENIOR	COUNTY	COUNTY CONTACT

**ISSUE:** \_\_\_\_\_  
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**DPR POSITION:** \_\_\_\_\_  
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**CAC POSITION:** \_\_\_\_\_  
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**RESOLUTION:** \_\_\_\_\_  
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**FOLLOW-UP NEEDED:** \_\_\_\_\_  
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